

Appl. No. : 10/717,702
Filed : November 19, 2003

REMARKS

The Applicants request entry of the amendments set forth above. The pending claims are 1-9, 11-15, 17-29 and 31-55. In the Office Action mailed December 27, 2008 the Examiner allowed Claims 1-9, 11-13, 22-29, 31-35 and 43-55. Claims 14, 15, 17, 18, 20, 21, 36-39, 41 and 42 were rejected while Claims 19 and 40 were objected to by the Examiner.

In response, the Applicants thank the Examiner for the detailed Office Action. Prior to discussing the Claim amendments set forth below, the Applicants express frustration to the Examiner for the continued and piece meal Examination. The Applicants note that in the first Office Action, the Examiner rejected numerous claims and utilized the Kadous references as the only reference. In the Response, the Applicants amended the claims in the manner required by the Examiner for allowance. No new issues were raised, nor were amendments made that would be considered broadening or involving new matter. In sum, Applicants took no action that would necessitate a new search or re-review of the same art. Yet, instead of a Notice of Allowance, a new and different rejection was issued using the exact same prior art reference. This rejection could have been made in the initial Office Action. Instead the Applicants must expend additional cost and resources to respond to new rejections from the same prior art. The Examiner could have easily handled this in the first Action. The Applicants question why these rejections were not presented in the first Action? The Applicants' appreciate the Examiner's obligation when citing prior art, but this piece meal process is simply unfair to Applicant and unnecessarily extends prosecution. M.P.E.P. section 707.07(g) supports the conclusion that piece meal prosecution should be avoided.

Each claim group is discussed below in detail.

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Allowed Claims 1-9, 11-13

The Examiner allowed Claims 1-9 and 11-13.

Rejection of Claim 14, 15, 17, 18, 20 and 21 and Objection to Claim 19

The Examiner objected to Claim 19 and stated that Claim 19 would be allowable if the limitations from Claim 19 were incorporated into the claim from which it depends, including any intermediate claims. Claim 19 depends from independent Claim 14. To place Claims 14, 15, 17, 18, 20 and 21 in condition for allowance, the limitations of Claim 19 have been incorporated into independent Claim 14. Claims 15, 17, 18, 20, and 21, which depend from Claim 14, are submitted as also being allowable. Claim 19 is canceled.

Allowed Claims 22-29 and 31-35

The Examiner allowed Claims 22-29, and 31-35.

Rejection of Claim 36-39, 41 and 42 and Objection to Claim 40

The Examiner objected to Claim 40 and stated that Claim 40 would be allowable if the limitations from Claim 40 were incorporated into the claim from which it depends, including any intermediate claims. Claim 40 depends from independent Claim 36. To place Claims 36-39, 41 and 42 in condition for allowance, the limitations of Claim 40 have been incorporated into independent Claim 36. Claims 36-39, 41 and 42, which depend from Claim 36, are submitted as also being allowable. Claim 40 is canceled.

Allowed Claims 43-55

The Examiner allowed Claims 43-55.

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SUMMARY

Applicants assert that Claims 1 - 9, 11-15, 17-18, 20-29, 31-39, 41-55 are in condition for allowance and respectfully request a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Dated: 4/15/08

Respectfully submitted,
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